IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 6546/1998

RAM LAL SONI
Vs.
THE DIRECTOR, PRIMARY & SECONDARY EDUCATION, RAJASTHAN, BIKANER & ORS.

Date: 13.12.2006.

HON'BLE MR. K.S. RATHORE, J.

Mr. C.L. Saini for the petitioner.
Mr. B.S. Chhaba, Addl. GA for the State.
Mr. N.K. Maloo for respondents Nos. 3 and 4.

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This writ petition is directed against the judgment dated 21.09.95 passed by the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur (for short 'the Tribunal'), by which it was held that the petitioner is entitled to get the gratuity amount and the controversy remains only to the extent that no interest on the delayed payment of gratuity has been paid by the respondents. It is also contended that the petitioner has specifically pleaded before the Tribunal that interest and compensatory cost be awarded for the delay caused in payment of gratuity to the petitioner, but the Tribunal has not dealt with this submission specifically pleaded and made before the Tribunal.

Per contra, learned counsel Mr. Maloo appearing on behalf of the respondent Nos. 3 and 4 disputed this fact that the petitioner has argued this question, therefore, nothing wrong has been committed by the Tribunal not to deal with this aspect.

Be that as it may, considering the submissions made by the respective parties and considering the application which has been filed before the Tribunal wherein the petitioner has specifically pleaded for making payment of interest and compensatory cost, in the interest of justice, I deem it proper to remand the matter back to the Tribunal for adjudicating this aspect also after giving opportunity of being heard to the petitioner and shall pass fresh order.

Consequently, the writ petition stands allowed and the impugned judgment dated 21.09.95 passed by the Rajasthan Non-Government Educational Institutions Tribunal, Jaipur so far as not granting interest, is herewith quashed and set-aside.

(K.S. RATHORE),J.

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